

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

FILED IN OPEN COURT. THIS THE  
5<sup>TH</sup> DAY OF May 2010  
JUDGE WENDYL SHOUB

SOUTHERN ALLIANCE FOR CLEAN ENERGY, INC.	:	
	:	
Petitioner,	:	CIVIL ACTION FILE NO.
	:	2009 CV 170648
vs.	:	
	:	
GEORGIA PUBLIC SERVICE COMMISSION,	:	
Respondent,	:	
	:	
GEORGIA POWER COMPANY,	:	
Respondent,	:	
	:	
GOVERNOR SONNY PERDUE,	:	
in his official capacity,	:	
Respondent.	:	

**FINAL ORDER AND JUDGMENT**

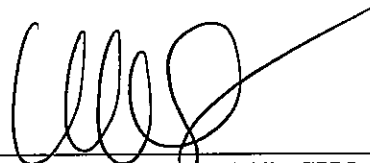
The above-styled case is before the Court on the Motion for Summary Judgment of Defendants Public Service Commission (“PSC”) and Governor Perdue regarding whether Petitioner has standing for declaratory relief. Oral argument was held on April 16, 2010. Although Petitioner included five counts in its Petition for Judicial Review, this Order addresses only the counts for declaratory relief. After reviewing the record and considering argument of Counsel, the Court finds as follows:

Petitioner lacks standing to challenge the constitutionality of Senate Bill 31 because it has not been “harmed” by the statute. *See, e.g., Perdue v. Lake*, 282 Ga. 348, 348 (2007) (“[T]he plaintiff must be able to show that he or she has been harmed at the time that the complaint is filed alleging a constitutional violation.”). This requirement also applies for associational standing. *See, Sawnee Elec. Membership Corp. v. Department of Revenue*, 279 Ga. 608 (2005) (“Associational standing permits an association that has suffered no injury to sue on behalf of its

members when the members would otherwise have standing to sue in their own right. . . .”). Similarly, the Petitioner also cannot request declaratory relief in this case because there is no current case or controversy before the Court regarding Senate Bill 31. *See, e.g., Baker v. City of Marietta*, 271 Ga. 210, 213-214 (1999) (“Declaratory judgment will not be rendered based on a possible or probable [future] contingency. . . .” (citations omitted)).

THEREFORE, upon consideration of the applicable statutory and case law, the Court hereby GRANTS the State’s Motion for Summary Judgment for Counts VI, VII, VIII, IX, X, XI and XII. Judgment is entered in favor of the Defendants on counts VI through XII of the Petition.

SO ORDERED this 5<sup>th</sup> day of May, 2010.

A handwritten signature in black ink, appearing to read 'Wendy L. Shoob', written over a horizontal line.

HONORABLE WENDY L. SHOOB  
FULTON COUNTY SUPERIOR COURT

Copies to via email:

Michael Carvalho - [mpc@carvalholawfirm.com](mailto:mpc@carvalholawfirm.com)

Robert Smiles – [smileslawfirm@gmail.com](mailto:smileslawfirm@gmail.com)

Daniel Walsh – [dwalsh@law.ga.gov](mailto:dwalsh@law.ga.gov)

Robert Edwards – [bob.edwards@troutmansanders.com](mailto:bob.edwards@troutmansanders.com)